

MR2949-18

Serial Number: 09/935,647

Reply to Office Action dated 17 June 2005

REMARKS/ARGUMENT

This case has been carefully reviewed and analyzed in view of the Official Action dated 17 June 2005. Responsive to the rejections made in the Official Action, Claims 1, 3, 7 – 14, 18 and 19 have been amended to correct the language thereof and clarify the combination of elements which form the invention of the subject Patent Application. Additionally, Claims 4 – 6 have been cancelled by this Amendment.

In the Official Action, the Examiner rejected Claims 1, 3, 4, 14 and 18 under 35 U.S.C. § 112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner indicated a number of terms which were either vague and indefinite or lacked proper antecedent basis. Accordingly, Claims 1, 3, 14 and 18 have been amended to correct the language thereof. It is now believed that the claims particularly point out and distinctly claim the subject matter that Applicant regards as the invention.

In the Official Action, the Examiner rejected Claims 1, 2, 5, 14, 15 and 17 under 35 U.S.C. § 102(e), as being anticipated by Bowman, U.S. Patent No. 6,725,399. The Examiner further rejected Claim 3 under 35 U.S.C. § 103(a), as being unpatentable over Bowman in view of Sprenger et al., U.S. Patent No. 5,861,882. Further, Claims 4 and 16 were rejected under 35 U.S.C. § 103(a), as

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being unpatentable over Bowman in view of Grover et al., U.S. Patent No. 5,737,518. Claim 8 was rejected under 35 U.S.C. § 103(a), as being unpatentable over Bowman in view of Pope et al., U.S. Patent No. 5,335,342. Claims 18 – 20 were rejected under 35 U.S.C. § 103(a), as being unpatentable over Bowman in view of Silva et al., U.S. Patent No. 6,223,306. However, the Examiner kindly indicated that Claims 6 – 13 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Claim 1 has been amended to incorporate the subject matter of Claims 4, 5 and 6 therein. Thus, Claim 6 has effectively been placed in independent form, including all the limitations of the base claim, Claim 1, and all of the intervening claims, Claims 4 and 5. Thus, Claim 1 and the claims dependent thereon should now be allowable.

Claim 19 has been placed in independent form to include all of the limitations of Claim 1. The combination of Claims 1 and 19 is believed to be patentably distinct. It is respectfully submitted that Claim 19 adds the limitation of further defining the procedure of building failure rate data corresponding to different parts including the step of inputting a failure rate of the corresponding part to facilitate analysis work of the testing program.

Whereas the Bowman reference discloses a method of testing computer software, which method includes a regression test to detect whether any adverse changes have been introduced into the software as a result of maintenance

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changes, upgrades or other changes. The regression test includes pass/fail criteria for error discovery rate trends which are detected during the test. However, nowhere does the reference disclose or suggest that the user input a failure rate of the corresponding "item" being tested as now claimed. In the invention of the subject Patent Application, failure data is accumulated from the repair and prior testing of the parts and that failure rate data is then input as part of the step of "building failure rate data corresponding to different parts".


The Silva et al. reference fails to overcome the deficiencies of Bowman. The Silva et al. reference is directed to a method and apparatus for testing X servers. Nowhere does the reference disclose or suggest a step of inputting a failure rate of the corresponding part to facilitate analysis work of the testing program, as now claimed.

As neither Bowman or Silva et al. disclose or suggest a combination of elements that form the invention of the subject Patent Application, as now defined in Claim 19, they cannot make that claim obvious.

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For all the foregoing reasons, it is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
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CERTIFICATE OF FACSIMILE TRANSMISSION

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FOR: ROSENBERG, KLEIN & LEE


DAVID I. KLEIN

9/17/2005
Date